Belligerent Counsel Bury the Hatchet and Smoke the Pipe of Peace.

Depositions Taken by the Two Commissions Excluded.

Medical Testimony for the Defence.

The Cause of Fisk's Death a Professional Enigma.

Who Will Decide when Doctors Disagree?---The Jury.

A NEW PHASE OF THE DEFENCE.

Stokes, Senior, on the Stand---Partial Hereditary Insanity.

The Case Drawing to a Close.

SIXTEENTH DAY OF THE TRIAL

After the terrific combats of the day previous (yesterday) the sixteenth of the trial of Edward S. Stokes for the killing of James Fisk, jr., was com-parative quiet. Aspasia Mansfield and Lois Williams were not in Court, but the vicinity of the seats which they had occupied was filled by a large assemblage of women of all ages and of all grades of homeliness. It was a question at the beginning of the trial which no one could decide as to what the purpose of these ladies was in demanding admission to the Court. But for the past two or three days there could be no mistake as to the reason. These ladies, it seems from the remarks that make quite audibly when they have seated themselves and first get a look at Stokes, simply come to Court to get a long look at a prisoner who is considered to be a handsome man. This consideration, with that portion of the gentle sex which has no particular household cares, overrules every other consideration, and at stated intervals they are heard to say, "Isn't he good looking?" "Poor fellow!" and "Is that his mother?"

Mr. Stokes, an uncle of the prisoner, came into Court yesterday at recess, and as he is quite good looking and is reputed to be a wealthy millionnaire he was observed very much. Besides the uncle there was quite a levee of the friends of the prisoner and his family, all of whom seemed to be people of the better class, by their appearance.

Miss Stokes, dressed nearly in black slik, her father and mother, were also in Court, and sat near their kinsman. The Court was crowded to excess, and the Judge, who seems worn out by the trial, had to order almost constant combats at the doors to be stopped, owing to the fact that nothing of the testimony could be heard during these scenes.

Mr. Tremain and Mr. McKeon, with their associates, Messrs. Townsend and Dailey, were early on hand, and the first one to speak was the eagle-beaked Fremain, who rose and in a few neat sentences made an apology to Mr. Beach, disclaiming any allusions offensive to or reflective on his old associate in connecton with some strong passages that had occurred the day previous between the two lawyers. The first witness called by the defence was ex-Judge Davies, formerly of the Court of Ap-

peals, a venerable-looking and judicial-looking personage, who testified that he had been appointed a receiver in one of the innumerable Eric suits and had gone to the Eric Railway building, in company with Mr. D. B. Eaton, of sandbag memory. Judge Ingraham wanted to know what the defence wished to prove. Mr. McKeon rose, and said that he desired to show that Judge Davies, when he went there, was threatened by Fisk, and that a number of ruffians in the pay of Fisk would have that Judge John K. Porter, Fisk's own counsel,

that Judge John K. Porter, Pisk's own counsel, protested against Fisk's brutality and declared that he would not act as counsel for Fisk any longer if Judge Davies was molested. Judge Ingraham ruled the testimony out.

The next witness was William L. Drummond, who testified that he left the Worth House, at which place Stokes and his family lived in the winters of 1870 and 1871; and that the prisoner had called the attention of the witness to the fact that men were watching and following him while there. Judge Ingraham desired to know why the questions were asked, and again Mr. McKeon rose and said that he would prove by the witness that he was asked to leave the house of the witness.

Judge Ingraham excluded this testimony also.

Then Mr. McKeon returned to the charge again, and called upon the Clerk of the Court to produce the sworn addavit of Mr. Amasa J. Sprague, of Rhode Island, who is the President of the Board of Appeals of the National Trotting Association, and owner of the race grounds known as Narragansett Park. Mr. McKeon stated to the Judge that his object was to show that Stokes had arranged to go, and had to be present at Providence in Legard to a bet, in which \$5,000 were involved, on the 9th of January.

Judge Ingraham was about to exclude this testi-

anuary.

Judge Ingraham was about to exclude this testi-Judgé Ingraham was about to exclude this testimony, when Mr. Tremain interposed and allowed
that gentleman time to look up his authorities.

Mr. McKeon again spoke. He offered a long roll
of paper, the testimony taken by a commissioner
sent to Europe to examine the well-known
lawyer, Mr. D. B. Eaton of this city. He
wished to show that Mr. Eaton's house
was watched by ruffians and bullies of
Fisk until the proper time came, when Mr. Eaton
was attacked and beaten with sand bags until his
life was despaired of, and was unable to move irom
his house for three months.

Dr. Tripler and Dr. Fisher were then called, but
were nowhere to be found.

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Was Fisk Poisoned?

The next witness examined was the well-known surgeon and physician, Dr. John M. Carnochan, who testified that he had been in practice since 1850, and have held the positions of State Surgeon of New York and Professor of Surgery to the New York College of Medicine; have been supcensed by the prosecution; was called by a sergeant of police to attend Fisk on the night of January 6 from Staten Island; the witness understood that Jay Gould and William M. Tweed had sent for him; he saw Fisk about ten o'clock that night, and heard his stertorous or apopiectic breathing, and that it would take a narcotic poison of some kind such as morphine or opium to account for this sort of breathing. Mr. Townsend examined the witness at great length and produced from him the statement that he believed that Fisk's wound was not absolutely mortal, and that he would not give to a man in Fisk's then condition more than one grain of morphia, and that he would give in two doses of half a grain at a time. It will be remembered that Dr. Tripler gave Fisk no less than six grains of morphia. Dr. Carnochan reflected very severely on the treatment and judgment of Dr. Sayre in his testimony. Mr. Fullerton cross-examined the witness in his turn for a long white with a like result, and to the merriment of all in court for nearly an hour.

Dr. Abraham Jacobi, a transcendental and pro-

amined the witness in his turn for a long while with a like result, and to the merriment of all in court for hearly an hour.

Dr. Abraham Jacobi, a transcendental and profound-looking German physician, was then placed on the stand, and stated that the post-mortem examination was entirely insufficient to base any certainties upon, but gave it as his opinion that Fisk miss. have recovered from his wounds, and that he did not die from the shock, as far as his judgment went concerned. There was considerable sparring between Fullerton and this physician, but he seemed to know what he was talking about, and denied that he had received a fee from the defence for acting as a medical expert.

The next witness was the celebrated physician, professor Benjamin W. McCready, who has been in practice for thirty-six years, and is supposed to know more about drugs and the effect of drugs than any man in New York. It was this gentleman who has furnished considerable of the medical "cram" for the defence, and he created a good deal of amusement by admitting that he had himself framed a number of the questions which were put to him

admitting that he had himself framed a number the questions which were put to him Mr. Townsend in the witness box. His answer on the direct question was positive that James Fisk came to his death

by being over-dosed by opium. A stenographer, who could not find his notes, was next examined; and then the father of Stokes, an old, gray-headed and broken-down man, seventy-two years of age, was put on the stand. He testified to the strange conduct of his son, the prisoner, during the Stokes and Fisk imbroglio, and also to the fact that some of his own and his wife's relatives, at different times, had been afflicted with insanity, imbeclity and hallucination. He named each of those unfortunate persons, and wept very bitterly twice during his testimony, being unable to go on, and falling into a sort of stupor. This flurry of the old gentleman seemed to affect the prisoner a good deal, and he cast down his head and looked at his mother in an imploring way. The Court adjourned until this morning, and it is probable that the evidence for the defence will close to-day.

SIXTEENTH DAY'S PROCEEDINGS.

At the opening of the Court Mr. Tremain said: Your Honor, I rise to a matter of personal explaoccasion to criticise the position of my learned brother on the other side (Mr. Beach), on the supposition that he might have been so employed as counsel by the prisoner, and have obtained such information as to render it improper for him to appear against him. I desire to say in the most public manner that I have more fully obtained the facts of the case, and my learned brother was only counsel in one matter closed in January, 1871, and relating to transactions that are not and could not have been involved in this case; and I desire in the most public manner to exonerate him from any censure, and to concede, as far as I can, that his position is entirely proper and honorable; and I have the more pleasure in doing so as that gentleman and I have for many years been on terms of the firmest friendship. From the promptings of my heart I should be reluctant to detract anything from the high position that his talents and abilities have so justly gained him.

Mr. Beach—Your Honor, I am very much gratified by the vindication which I have received from my learned friend. I was sure his acquaintance with me and his knowledge of my character would in the end justify me.

Ex-Judge Henry E. Davies testified that when Judge of the Supreme Court he was made a receiver of the Erie railway in 1888 by an order of the Supreme Court; on the 25th of November, 1868, he and his counsel, Noah Davis, went to the railway office to take possession of the books of the company, Dorman B. Eaton, counsel for Mr. Belmont, being also of the party.

William L. Drummond testified to Mr. Tremain: from any censure, and to concede, as far as

office to take possession of the books of the company, Dorman B. Eaton, counsel for Mr. Belmont, being also of the party.

William L. Drummond testified to Mr. Tremain:—
Kept the Worth House, corner of Twenty-fifth street and Fifth avenue; the prisoner lived at my house from the 24th September, 1870, to May, 1871, until Mrs. Stokes went to Europe.

Q. State if anything strange occurred in connection with the prisoner during the time he was there, and if you proposed taking any action on it? Objected to.

Mr. McKeon proposed to show that during the spring and winter Stokes stopped at the Worth House the place was watched, and that the witness was going to ask the prisoner to remove, and to add that he was watched, and that the prisoner knew it.

add that he was watched, and that he knew it.

The Court—It is excluded.

Mr. Tremain—Did you not receive similar testimony on the examination of Shanks?

The Court—Shanks' testimony showed he was in company with Stokes at the time.

Mr. Tremain —The prisoner was also cognizant and present in this case.

The Court—There was no objection raised to Shanks' testimony; if there had been I should have excluded it.

Snanks testimony; it there had been I should have excluded it.

Mr. Tremain—What we desire to prove is that the prisoner was pursued by these people; the reporters make your Honor say on a previous ruling on this point that you would not allow the testimony to be given till a foundation was laid for it, but when we have laid that foundation that you would allow it to be given.

The Court—Yes.

The Court—Yes.
Mr. Tremain—We have laid the foundation by

Mr. Tremain—We have laid the foundation by showing these facts.

The Court—I cannot admit it, sir. Because one witness was improperly examined it does not follow that others should be.

Mr. Tremain—The Supreme Court decided in a case lately that where several questions had been allowed without objection other testimony of a similar character could not be excluded.

The Court—Have you the authorities in that case? case?
Mr. Tremain—I have not got them here, your

Honor,
It was decided to let the question stand over for the present, and the witness left the stand.

Mr. McKeon then called upon Mr. Sparks, Clerk of the Court, to produce the testimony taken by commission at Providence.

of the Court, to produce the testimony taken by commission at Providence.

PRODUCED.

This was the testimony of Amasa Sprague, of Providence, R. I., President of the National Trotting Convention, with extracts from the proceedings and decisions of the convention with regard to the betting transactions in which the prisoner was involved and which were so often referred to during the previous days of the trial.

The introduction of the testimony and extracts from the proceedings of the convention were objected to and excluded for the present.

THE LONDÓN COMMISSION.

The testimony taken by commission in London was the examination of Dorman B. Eaton, from which it appeared that Eaton was at one time the prisoner's attorney in a suit against the Eric Railway Company.

prisoner's attorney in way Company.

The District Attorney objected to a statement of the contents of the deposition.

Mr. Tremain—Otherwise how will we show the The District Attorney—By the inspection of the

Mr. McKeon said they intended to prove that Mr. McKeon said they intended to prove that Dorman B. Eaton went to the Eric office and that Fisk threw open the door and showed them a body of men; that Fisk then ordered them to leave, and told them if they did not leave that he would order the men to throw them out of the window, and that he was only prevented from doing so by Judge Porter, counsel for Fisk, who threatened that if he did so he would have nothing more to do with the case, and that the prisoner knew this. Excluded

and that the prisoner knew this. Excluded

MEDICAL TESTIMONY FOR THE DEFENCE.

Dr. John M. Carnochan was then called to the
stand. He stated he has been in active practice
since 1850, and is Surgeon-in-Chief to the State's
Hospital, and has been consulting surgeon to St.
Luke's Hospital; he has been subponed by the prosecution, but was not put upon the stand; a sergeant of police came down to Staten Island for him
in a carriage, sent, as he understood, by Mr. Tweed,
Mr. Gould and other friends of Colonel Fisk, to
come up and see him; he arrived at half-nast ten Mr. Gould and other friends of Colonel Fisk, to come up and see him; he arrived at half-past ten P. M., and remained half an hour; Dr. Tripler asked him to come and see the patient; he did so and saw that the patient was in a somnoient condition, pulse natural and respiration tranquil.

Q. I will ask you, Doctor, to define for us what is shock.

A. It is the result of mechanical injury to the general system and the animal economy: if

Q. I will ask you, Doctor, to define for us what is shock. A. It is the result of mechanical injury to the general system and the animal economy; if severg it becomes collapse; shock depresses the whole nervons system down to the organic functions; I did not apprehend any speedy termination of the case, and I recollect that I asked Dr. Tripler if he thought the patient would die, and what he would die of; the army record of cases of wounds of the abdomen give about twenty-five per cent of recoveries—that is, wounds of the intestines generally; I was at the post-mortem.

Q. From what you saw would you consider his case more favorable than the average? A. There was nothing special to decrease his chances of recovery, and there were some things favorable; in the first place there was no internal bleeding, no extravasation of blood; there was much less blood than I would expect to find after a post-mortem; the four causes of death from such wounds are extravasation of blood, extravasation of the feees, shock and peritonitis.

Counsel read a statement of the case of Colonel Fisk as given by the medical attendants up to half-next ten? M. the right of the shooting and extendants.

shock and peritonitis.

Counsel read a statement of the case of Colonel
Fisk as given by the medical attendants up to halfpast ten P. M. the night of the shooting, and asked
whether in that case he would apprehend further
danger. Witness replied that he would consider
that vitality was returning and asserting itself, and
he would not look for immediate danger.

Counsel then read a suppositious case—a man in
unusually good health, in the prime of life, receives
a severe injury from pistol shot. The first shock
is recovered. The pulse is twenty-six and the respiration seventy-four a few hours after the injury was
inflicted. At half-past ten P. M. his condition is
normal as to pulse and respiration, his intelligence
undisturbed, and his answers prompt; I ask, would
you apprehend any further danger from shock?
Witness replied that danger was always to be apprehended, but immediate danger was not to be
looked for.

Q. Where shock causes depression would it be
good practice to administer opium, which also depresses? A. It is a matter of common sense not to
do so.

Q. What is the effect of opium administered di-

good practice to administer opium, which also depresses? A. It is a matter of common sense not to do so.

Q. What is the effect of opium administered directly into the system, not through the mouth? A. It would have a double effect.

Q. Would fifteen drops, hypodermically administered, account for the condition of the patient at the time you saw him at half-past ten? A. I consider fifteen drops, hypodermically administered, equal to two grains by the mouth; that amount of opium tends to produce narcotism; the stertorous breathing can be explained by the opium, and it would require something of the kind to explain the stertorous breathing.

FISK MIGHT HAVE BEEN SAVED.

Q. Do you think he might have been saved? A. He was under circumstances that admitted of recovery; he hud not peritonitis enough to kill him; he had not internal hemorrhage, and the matter narrowed itself down to a struggle between vitality and the injury; he did not die of peritonitis or extravasion of blood or fecal matter.

Q. Taking into account the ten onnees of brandy and the opium, did he die of shock? A. I never said so; he had not the symptoms of shock when I saw him; I wash't present when he was probed or I would have remonstrated against such a practice.

PROFESSIONAL WARFARE.

Cross-examined by Mr. Fullerton—Q. Do you be-

PROFESSIONAL WARFARS.

Cross-examined by Mr. Fullerton—Q. Do you belong to the same school of medicine as Doctors Wood and Sayre? A. Not as to administering so much morphine or probing the wound.

Q. What school do you belong to? A. I belong to the school of medicine that cures disease; that is the school every doctor ought to belong to—(laugh-

ter); it used to be inscribed on the temples of Greece, "Here we cure."

Mr. Fullerton—Never mind that; you are not in the lecture room now; answer the question.

Witness (smillingly)—With pleasure.

Q. bo you belong to the same school of practice as Drs. Wood and Sayret A. I don't know what their practice is, or school either.

Q. Have you no knowledge of the school to which Drs. Wood and Sayre belong? A. I have no idea about it; i never heard what school they belonged to.

Q. You never heard? A. I presume they are doctors and graduates.

Q. Are you not quite certain on that point? A. I believe they are.

Q. Are you in harmony with them in the practice of medicine? A. I am not

OUT OF HARMONY

With anyone.

Q. So for as practice of medicing goes? A. I cer-

with anyone,
Q. So far as practice of medicine goes? A. I certainly would not have probed the wound, and I would not have given so much morphine.
Q. To that extent you are not in harmony with them? A. I belong to the practical school of the ancient doctors of New York.
Q. Are you in harmony with their general practice? A. I don't know what their general practice

Q. Do you not know there is a kind of warfare going on between the school that you belong to and that they belong to? A. I will tell you; I am a graduate of the College of Surgeons, sir.

A PALPABLE HIT.

Mr. Fullerton—We take that for granted, as we do the fact that Mr. McKeon has been a District

Mr. Fullerton—We take that to do the fact that Mr. McKeon has been a District Attorney.

This hit at the little flery McKeon caused a laugh and a special titter among the strong-minded and well-posted women, who have never been absent from the court room a day since the trial commenced.

Mr. McKeon jumped to his legs and presented himself to the Court as suddenly and unexpectedly in the box. himself to the court as a Jack-in the-box.

To the Court—I will not permit this impertinence.
What is the fact of my being District Attorney to do

What is the fact of my being District Attorney to do with the case?

The Court, wearled with the interminable wrangle, looked almost hopelessly but reprovingly at Jonn, expecting another scene, but, for once, Mr. McKeon collapsed without further invective and resumed his seat.

Q. Is there not a warfare between the systems of general practice pursued by yourself and Drs. Wood and Sayre respectively? A. Do you mean as between homeopathy and allopathy?

Q. No, sir; I mean generally the systems of practice as pursued by the doctors named respectively. A. Well, sir, I follow the practice that cures disease (laughter); what school do they belong to? and then I will, tell you.

Q. Is it not a fact that there is a professional warfare between your systems? A. Tell me what their system is, first.

Q. I don't know what their system is, A. Then your question means nothing.

By the Court—Is there any professional warfare between your system and that of the doctors named?

A. Well, in so far as I know. Dr. Sayre has stelen.

named?

A LITTLE PERSONAL.

A. Well, in so far as I know, Dr. Sayre has stolen some of my cases (laughter); but he is perfectly welcome.

Mr. Fullerton—But he charges you with stealing some of his? A. No, sir, he does not; if he did he would tell a story (more laughter); I never took anything from him, and I don't think he has anything worth taking (laughter).

Q. Did you meet any of these gentlemen in consultation in cases lately? A. Yes, within a year or so.

O. You say you never took anything from him (Dr. Sayre), because he had nothing worth taking? A. I don't know that he ever made a step in medi-Q. Is he not an eminent surgeon? A. I don't be

Q. Is he not an eminent surgeon.
Q. How do you estimate him? A. I don't want to estimate him; let him estimate himself.
Q. How do you estimate Dr. Wood? A. I think him very good, sir.
Q. Stands high in his profession? A. Yes, sir.
Q. A Skilful practitioner? A. Yes.
Q. Would you rely on his treatment. A. Yes; but not in all cases.

Q. Would you rely on his treatment. A. Yes; but not in all cases.
Q. In what cases would you have relied on him—in this given case if he had ordered so much morphine? A. I would not have ordered so much in that; I would have differed from him.
Q. You say you would not have probed the wound; now, so far as the adipose matter is concerned, would you not have probed that far? A. Of course. course.

Q. If the probe in the case did not enter the cavity of the bowels no harm could ensue? A.

Q. And when you condemned the probing you predicated it on the supposition that it had entered the cavity of the bowels? A. Yes, from the testimony I heard given and what I read of it.
Q. You would not have hesitated, as a surgeon, to probe the wound as far as the adipose matter?
A. Not at all.
Q. There was no here.

A. Not at all.

Q. There was no harm in that? A. No.

Q. Tell us what was the condition of the batient when you saw him.

A. He was lying passive and breathing tranquilly; his pulse was at seventy-three or seventy-four; he was somnolescent; I paid no particular attention to him when I first went in; I sat beside his bed for some time; Dr. Tripler had been there before me.

Q. Never mind Dr. Tripler; we want you to talk about Fisk.

Q. Never mind Dr. Tripler; we want Jor can about Fisk.

Witness—I was going to say that I remained passive so as to mark his condition; Tripler must come in here or I must stop (laughter).

Counsel—Then stop.

Q. Tell us the condition of Fisk and drop Tripler.

A. It is necessary to mention him; wait till you hear; I'll get over it in a moment.

Counsel—Then I object to your mentioning him.

Mr. Tremain—I insist that the witness, if necessary to his answer, shall be allowed to speak of Tripler.

The Court—There is no necessity to bring in Tripler.
Witness—He had been there before me, and, in courtesy, I left it to Dr. Tripler to arouse the attention of Mr. Fisk; Tripler spoke to Fisk and attempted to rouse him; he was then breathing very heavily, and, after speaking to him some time, he awoke a little and Dr. Tripler said, "Here is Dr. Carnochan, Mr. Fisk;" Fisk then looked in my direction and said he was glad to see me, and then he went again into a somnoient condition; I then he went again into a somnolent condition; I then went and sat for a while in the ante-room; while there I heard him breathe very heavily, stertorously, and I was surprised that a man suffering from a shock should breathe so; it was like apopletic breathing.

Q. Was there any evidence of a shock to his system while you were there? A. No, except his pallor.

pallor.

Q. Except nothing, please. Was there evidence of a shock apparent while you were there? A. Well, his face was quite pale.

Q. Did you observe a circle under his eye? A. No. Q. Did you look for it? A. No; but it might have

Q. Did you observe a circle under his eye? A. No. Q. Did you look for it? A. No; but it might have been present.

Q. What would that circle under the eye be an evidence of? A. I don't know; it is evidence of a great many things; a man fatigued might have it. Q. Does it usually follow a shock to the system? A. Yes, it is not to do so.

Q. Did he appear to be suffering from something very depressing? A. Yes.

Q. What, in your judgment, caused that pallor? A. He had received injuries—had received medication; it might have resulted from complex causes; a man falling from a height or suffering from some emotion; you might become pale from any sudden sensation—from sudden news, for instance.

Q. Then pallor is an evidence of shock? A. It is. Q. You were at the post-mortem examination? A. Yes, but took no active part in it.

Q. Describe what you saw? A. He had a wound of the small intestines and a wound of the large intestines; there appeared to be traces of the passage of a ball through the small intestines, and also the transit of a ball through the large intestines—the colon.

Q. Were there no other parts wounded? A. Yes.

the colon.
Q. Were there no other parts wounded? A. Yes.
Q. Were there no other parts wounded? A. Yes.
Q. Then state all, Doctor. A. The omentum was
passed through, and the mesentery also was wounded; the small intestines were perforated twice,
making four perforations; two perforations in the
colon; six perforations in all.
Q. Are such wounds dangerous? Yes; decidedly

Q. Are such would a dangerous? A. Q. Is a wound to the mesentery dangerous? A. No, provided there is no hemorrhage; all wounds entering the cavity of the abdomen are dangerous; but a wound of the mesentery is not per se danger

O. Is a wound to the peritoneum dangerous? A.

Q. Is a wound to the peritoneum dangerous? A. Yes.
Q. Did you regard these wounds of Pisk dangerous? A. I did.
Q. Describe the wound. A. It entered the abdomen, passing downward, making the six perforations I have described, and lodging in the left groin.
Q. Can you turn to the books and show a single case of recovery from a wound like that? A. Cases differ; I haven't given my particular attention to that; there is a case recorded where a man was wounded so that the feeces passed out, and the patient recovered with an artificial anus.
Q. Can you turn to a case like this where the smaller intestines and the colon and the mesentery and peritoneum were wounded, and the man recovered? A. No two cases are alike; but it is not impossible to feedver with an artificial anus.
Q. Never mind that, please, but try if you can find such a case as Colonel Fisk's. A. A case is recorded where the small intestine—the gut—was perforated so that the surgeon cut away and removed a portion of the intestine and the man recovered.
Q. Isn't that an exceptional case? A. You can

Q. Isn't that an exceptional case? A. You can make anything exceptional if you like; it is an extraordinary case; people don't have pieces of their intestines cut away every day.

Q. Are such recoveries exceptional cases? A. What do you mean by an exceptional case?

Q. Will you give me an answer or not? A. They

What do you mean by an exceptional case?
Q. Will you give me an answer or not? A. They are.
Q. What is the percentage? A. You can't count them by percentage, they are so few.
Q. Do you admister opium in shock? A. I never prescribe it in large doses.
Q. Do you administer it? A. Certainly not in the first stage.

Q. Do you administer it? A. Certainly not in the first stage.
Q. Do you administer it? A. In the latter stage, a very small dose, with great solicitude and carefully watched to see how it works, may be given.
Q. Do you administer it in your practice in any case of shock? A. No; but in the latter stage, which is the sequence of shock.
Q. Is a collapse a sequence of shock? A. It is part of the shock itself.
Q. What is the "sequence" you speak of? A. It is a reaction of the vital power, in which the pulse and respiration are natural.
Q. Just as you found Colonel Pisk? A. Yes.
Q. Then it was a case in which you would give

it alone.

Q. When would you give it? A. There is a peculiar sequence of shock in which there is a weakness and restlessness in which half a grain might be

give more opium.

Q. And if the symptoms continued † A. You don't think I would go on giving opium, opium forever! you may give too much of a good thing and make it poison: I might try camphor, or something

Q. Suppose the patient sleeps after oplum, and then after an hour wakes, and the pain and irri-ability return! A. You are making a theoretical

tability return! A. You are making a theoretical case.
Q. And I want a theoretical answer—theory right in the midst of your practice. A. You are supposing an improbability; we don't go on sticking it into them all the time.
Q. How sticking? A. Upodermical administration implies sticking it under the skin.
Q. Do you ever stick it in? A. I do.
Q. And do you carry the instrument about you now? A. I do not.
Q. What is the effect of subcutaneous administering of oplum? A. Instantaneous—acts like lightning.
Q. What is the effect of half a gain so administration.

Q. What is the effect of half a gain so administered? A. I never gave half a grain.
Q. How long would the effect last? A. For hours.

hours.

Q. Does the fact that the patient is suffering from pain and irritability lessen the duration of time?

pain and irritability lessen the duration of time?
A. It does.
Q. Does the pain return after the narcotic? A.
Yes; after the effect of the narcotic departs.
Q. If the patient awakes and complains of pain again would you infer that the effects of the dose were passing away? A. I would.
Q. If at haif-past four in the morning the patient awakes and calls for water, takes the vessel into his hand and drinks the water, would you consider him laboring under opium, or was the effect passed away?
Mr. Tremain—We object. There is no evidence of that.

hat. Judge Ingraham—There is, distinctly. Witness—I would infer that the effects were sul siding.
Q. Did you observe any peritonitis about Colonel
Fisk? A. Yes, about the region of the umbilicus.
Q. Could he have such a wound without shock?
A. He must have had a shock.
Q. What, in your opinion, did he die of? A. I
don't know enough of the case; I didn't see him
dia.

dle.

Re-examined by Mr. Tremain—Was your impression so strong that night that too much oplum was being administered that you spoke of it to your family? (Excluded.)

Q. Was the administration of it, as you were told of it, good or bad practice? (Excluded.)

Q. Would the amount of oplum suggested in your examination be likely to produce death? A. It is possible that thirty drops would; it would be dangerous.

possible that the same of the tion sustained.

By the Court—From your examination after death and from what you saw of the wound and heard did you consider that wound as mortal? A. It was lid you consider that wound as mortal? A. It was very dangerous. By the Court—Did you consider it mortal? A.

Not absolutely.

Q. You considered it very dangerous? A. Yes.
Q. What were the probabilities as to life or death?
A. All the chances were against him; he might have a chance of nature coming in and closing up the apertures.

The Court then took a recess.

The Court having reassembled the defence proceeded with their case.

RULED OUT.

Cassius H. Reed recalled—Q. Did the prisoner express his apprehensions of being pursued by certain men, and show a pistol with which he intended to defend himself, and that if he were killed it would be at the instigation of Fisk?

The Court excluded all testimony of this character until the defence connected the men with Fisk.

MEDICAL TESTIMONY CONTINUED.

Dr. Jacobs was then again put on the stand.
Q. You are a physician and surgeon? A. Yes, sir, for nineteen years in this city; I am President of the County Medical Society; am connected with the Mount Sinal, the German and Blackwell's Island hospitals.

hospitals.

Q. What is shock? A. The general prostration immediately following injuries; the danger is that it may prove fatal at once by paralyzing the system, or so prostrate the powers of the system that any other consecutive disease will prove fatal.

Q. What are the symptoms? A. Prostration of the whole system, especially of the motory and sensitive systems; respiration is shallow and superficial, alternating with sighing; in the large majority of cases the temperature is lower than normal.

Incial, alternating with sighing; in the large majority of cases the temperature is lower than normal.

Q. The temperature of the body? Will you please explain that? A. The normal temperature of the body is always 98½; It is a little below that in shock, according to the injury; to determine the temperature, a thermometer must be used.

Q. Are you familiar with the action of opium? A. Yes, sir; in the earlier stages of opium poisoning, it is usual for the patient to be sleepy.

A. Yes, sir; in the earlier stages of opium poisoning, it is usual for the patient to be sleepy.

Q. I will put a case to you—a man in good health, of temperate habits, receives an injury at four o'clock—about naif-past four the pulse was very low, and about half-past seven o'clock his pulse was 76, his respiration 24, his intelligence undisturbed, his answers prompt—would you apprehend any further danger from shock, for it is admitted that there was a shock? A. No, Sir.

Q. In such a case, if from ten to half-past ten his pulse and respirations were normal, his color pale, and at eleven o'clock the reaction is further established, the condition of the patient improved, and sleepiness lapses into coma, with noisy respiration, and his pulse runs up to 130, while his respiration, and his pulse runs up to 130, while his respiration is 18, and at ten to ten and three-quarters in the morning he cannot be aroused, what would you suspect was the cause of it? A. One of three things—either morphine poisoning, or death from uramia, a condition of the blood are not removed through t.e kidneys, and very common in cases of disease of the kidneys; or of watery effusion of the brain.

The Counsel their read the post-mortem examina-

of watery effusion of the brain.

THE POST-MORTEM EXAMINATION INCOMPLETE.

The counsel then read the post-mortem examination, and asked the witness what he thought was the cause of death.

A. No man can say, from that post-mortem examination, what the man died of; the statement is incomplete; it he died of morphine there ought to have been changes in the brain and in the membranes.

POISONING.

Cross-examined—Q. If the brain is healthy the man could not have died of morphine poisoning? A. I am not prepared to say that, because the postmortem paper is incomplete; if the brain was healthy he could not have died of morphine poison-

healthy he could not have died of morphine poisoning.

Q. When the paper says the brain was healthy, why did you say Fisk died of morphine poisoning?

A. I Judge so because all the symptoms during life pointed to morphine poisoning, or uramia, or watery effusion, and the condition of the body shows that he did not die of the last two.

Q. From the condition of the brain—healthy—after death would you conclude that he had died from morphine poisoning? A. No, sir.

HOME QUESTIONS.

Q. Did you ever administer opium in a case of shock? A. No, sir, it is not usual to do so.

Q. Are you familiar with the Surgeon General's reports between 1800-25 in respect to gunshot wounds in the bowels?

A. I have read them, years ago.

wounds in the bowels? A. I have read them, years ago.

Q. Where the shock was followed by violent pain would you not administer opium? A. I might if there was no reason why I should not.

Q. If the effect of the opium wore off and the pain returned would you not administer another opiate?

A. The opium is not likely to lose its effect in an hour; if it did I might give another opiate.

Q. And suppose the pain still returned, what would you do? A. I should count the doese I had would you do? A. I should count the doese I had given, and I should certainly not repeat the doses without limit, as it is certainly dangerous to give large quantities of opium to a person you do not know.

THE DOCTOR ON HIS DIGNITY. An amusing scene followed in consequence of Mr. Fullerton asking the witness to which school of medicine he belonged. Dr. Jacobi said he knew of but one school of medicine, and did not recognize the homeopathsa's belonging to any school of medicine science. Mr. Fullerton then asked if the witness was an allopath, and at this Dr. Jacobi lost patience and showed signs of temper, which caused the counsel and spectators to heartily laugh at him. He said he was not an allopath, and did not know what was meant by the name, as he never used the word.

what was meant by the name, as he never used the word.

THE WOUND.

Q. You have heard this wound described; what would you think of it? A. It was a very dangerous wound; I should expect that certainly more than half of such cases would not recover; shock is not a necessary consequence of such a wound.

Q. Such a wound might not produce shock at all?

A. In some such cases there might not be a shock.

Q. If the bowels are perforated in six places and the peritoneum was perforated, and you should be called to his bedside and learn in the first place that his pulse was seventy-six and his respiration twenty-six, and his pulse weak, rather irregular, and he complained of pain in the bowels, what would you say? A. I should say he was suffering from pain in the bowels; that is not sufficient to indicate shock.

Q. And suppose also his countenance was agitated and pallid, and his skin cool and moist, his pupils dilated and he uneasy? A. The same thing.

Q. In the symptoms you have heard, are there any consequences of shock? A. I can't say that; the question is too indefinite; the distinctive features of shock are absent in that description.

M'KEON PUT DOWN.

Q. Have you been paid a fee for examining this case?

Mr. McKeon—Let it be asked also if the private

case?
Mr. McKeon—Let it be asked also if the private counsel has received a fee for examining this case.
The Court (rapping the desk)—No more of that,

sir.

Mr. Fullerton—I hope your Honor will excuse Mr.
McKeon; he is constitutionally impertinent.
Mr. McKeon attempted to rise, but the Court immediately said that he had already disposed of this question of private counsel, and he would not allow another word. The Court thought it was unkind of counsel to renew it again. He had simply a right to object to the Court if Mr. Fullerton put an improper question.

Mr. McKeon—The style of the private counsel has

optum? A. No; it was a case in which I would let been very different from that of the District Attor-

ney.

Q. Have you received a fee for examining this case? A. My answer is—I am Dr. Jacobi; I can give no other answer.

Q. But you must or you will not leave that stand. Have you received money? A. No. sir.

Q. Have you been promised a fee? A. No, sir.

Q. Have you any expectation of receiving one? The Court—He need not answer that.

Q. When were you asked to come here? A. Last night.

O. Have you read the post-mortem examination?
A. No, sir.
Q. Have you conferred with any of the counsel on the subject? A. No, sir; I have spoken about it once to Dr. McCready, the night before last.
Q. You knew that Dr. McCready was employed in this case? A. Employed! no; I understood he was interested in the case; he asked if I would not come and testify, and I said I would rather not; I supposed that was the last I should hear of it until last night, when I received notice to come.

Re-direct—Are the appearances that would be exhibited by morphine poisoning recognized ordinarily in Coroners' proceedings?

The Court—I shall have to exclude that.

ANOTHER LEARNED DOUTOR.

Dr. Benjamin W. McCready, sworn.
Q. You are a practising physician? A. I am and have been for thirty-six or thirty-seven years; I lectured a long time ago as lecturer of materia medica and have lectured for twenty years on materia medica and therapeutics at Bellevue Hospital; I have heard all the medical testimony given in the case of James Fisk, Jr.?

Objected to, on the ground that a hypothetical case must be supposed and stated.

The counsel then described the condition of Fisk at half-past seven, and asked, Would you then apprehend any further danger from the shock? A. No, sir.

at hair-past server, and the shock of the prehend any further danger from the shock of No, sir,

The counsel then asked what the witness would think of the described condition of Fisk at eleven?

A. In a previously healthy man I should have no doubt that the man was suffering from narootte poisoning; the symptoms are not those of recurring shock or peritonitis; I should suspect the presence of an opiate, and should, if I found that it had been given, conclude that an overdose had been administered.

OPINION.

administered. OPINION.

Q. How much morphine is there in fifteen drops of morphine? A. A drop of morphine is a minim and a half—that would be twenty-two and a half minims—but the drop is a variable quantity; there would be three-quarters of a grain of sulphate of morphine if the morphine were dropped.

Q. How do hypodermic injections differ from administration by the mouth? A. The action is more prompt, and therefore the drug is more powerful; flitten minims of Magendi's solution administered hypodermically is reported once to have caused death.

Q. What would be the influence of ten ounces of brandy added to the quantity of opium alluded to?

A. It would increase the narcotic effect of the opium.

A. If the man woke up and asked for water would.

oplum.

A. If the man woke up and asked for water, would that show that the man had recovered from the effect of the morphine? A. No, sir; morphine dries the throat, and he would be very apt to ask for

water.
Q. Did or did not Dr. Wood make any statement to you yesterday in regard to this case and his examination of it? A. Yes, sir; but it was a statement made by one medical man to another.
The counsel, however, was about pressing the question when Mr. Fullerton objected and His Honor ruled out the question, an exception being taken. Q. In the hypothetical case stated to you what was the cause of death? A. I have no doubt that the cause of death was directly the effect of morphine; it was not shock, nor peritonitis, nor uremia.

uremia.

A "COURSE OF SPROUTS."

Cross-examined—When were you subposned?

A. The 15th of June; I was requested to be here the first day of the medical testimony.

Q. When were you first spoken to about this case?

A. Several weeks ago; I can't tell you exactly; within a month; within a couple of weeks of the trial.

virial.
Q. Were you told that you were wanted as a witness? A. No, sir.
Q. Who spoke to you first? A. Mr. Townsend;
we were chatting over the Coroner's inquest we were chatting over the Coroner's inquest together.

Q. How long have you been here in all? A. Two days; I think this is the third day; I was possibly here also a part of another day.

Q. Have you been out of the room with the counsel? A. Yes, sir.

Q. How many times have you spoken to Mr. Townsend on this subject? A. Twenty, thirty, perhaps more times; I have been turnished with the testimony in this case by Mr. Townsend.

THE PROMPTER INMASSET,
Q. Have hot you furnished Mr. Townsend with questions? A. Yes, sir; but he has altered them so that I scarcely recognized them.
Q. Questions to be put to yourself? A. Yes, sir. (Sensation.)
Q. Did you not write out specific questions to be put to Dr. Wood and Dr. Sayre and other medical witnesses? A. Yes, sir; very probably to Dr. Sayre.
Q. Can't you go beyond very prebably? A. No, sir; you will please allow me to choose my own language.

language.

Mr. Fullerton—And you will allow me to correct Mr. Fullerton—And you will allow me to correct you.
Q. Did you not sit beside the counsel during a part of the examination? A. Yes, sir; I got Mr. Townsend access to a medical library.
Q. Did you speak to Dr. Carnochan about this matter? A. Yes, sir.
Q. Did you speak to Dr. Jacobi about it? A. Yes, sir.
Q. Did you speak to Dr. Jacobi about it? A. Yes, sir.
Q. Did you tell him your opinion? A. After he had told me his, yes.
ALSO PAID.
Q. Do you expect to get paid for coming here?
A. Yes, sir.

A. Yes, sir.
Q. How much? Objected to by the defence.
Mr. Fullerton—We propose to show that he is to
receive \$500.
The Court—That is not proper. I shall exclude
the question.

Mr. Fullerton—We propose to show that he is to receive \$500.

The Court—That is not proper. I shall exclude the question.

Mr. McKeon—We are perfectly willing that you should. We will put him on the stand for the purpose if you wish.

THE STENGGRAPHER AT THE INQUEST.

D. S. Leach sworn—I am a stenographer, and have been for eight years; took the notes at the Coroner's inquest in the matter of James Fisk, Jr.; I was not sworn to take the notes correctly and fully, but I did so.

Q. Just look at that roll and see if that is the testimony? A. Yes, sir.

Q. Thomas Hart, a witness, swears that he is certain that he then said that the prisoner had stated that he then said that the prisoner had stated that he then knew nothing of the shooting; is there anything to that effect in your minutes? A. No, sir.

Cross-examined—Q. There was considerable confusion in the court, was there not? A. Yes, sir.

Q. Is it possible that you might have missed something? A. I do not claim to be infallible.

Dr. Tripler was then called, and his name having been called, the counsel said they understood he had been served while in Court, and had replied that he would not stay. He would therefore ask for an attachment.

The matter was, however, temporarily dropped.

THE PRISONER'S PATHER ON THE STAND.

Edward H. Stokes, the father of the prisoner, whose appearance has been so often described, was then sworn—

Q. What is your age? A. Seventy-two.

Q. You are the father of the prisoner? A. Yes, sir. I have resided here about ten years, my last residence; before that I resided in Phila elpila, and before that again in New York.

A. Bout its your again in New York.

A. Bout its your again in New York.

G. Bras he lived with you any time recently? A. About sky or eight months; prior to his arrest he was married ten or eleven years ago.

Q. Has he lived with you any time recently? When you have the seemed very estees—very much excited—and hes thought.

Q. What were those appearances and evidences? A. Great pain in his head, and on one or two occa

would talk of one thing one moment and then fly of to other subjects.

Q. What was his conduct towards you? A. On one or two occasions, talking of his troubles with Fisk, when I offered advice, he was greatly excited and was certainly very disrespectful—very different to what he had been; on one occasion he was so excited that he rushed from the house; an hour or so afterwards I got a note from him apologizing for his conduct; I destroyed it that moment; in it he said that he had said something very disrespectful, but he was maddened and unconscious of what he did and hoped I would overlook it.

Q. Do you recollect an occasion when his mother was present when anything occurred? A. It was about a month after his first arrest; he was in a very excited state; he was in a great state of mental excitement about his difficulties with Mr. Fisk about the oil refinery.

SIGNS OF INSANITY.

Q. At this time did you notice anything peculiar in his countenance and eyes? A. There was—something threatening; I can hardly describe it.

Q. Haye there been cases of insanity in his fam-

ily or his mother's family to your knowledge?

ily or his mother's family to your knowledge? A. There have been.

Mr. Stokes here again succumbed to an emotion that was but too plainly genuine, and concealed his face with his hand. After waiting a minute or two the counsel proceeded.

EEMINISCENCES OF THE STOKES PAMILY.

Q. How many cases, and what were they? A. I had a brother who died in the Insane Asylum.

Q. What other relations? A. This is the only decided case that I should call insanity; in the other cases there were hallucinations of the mind.

Q. Of what kind—how were they related to you? A. My wife's nephew was laboring under some fancies—imaginary, I think—and was sent for a short time to Bioomingdale; they did not, however, consider nim insane, and after about six months he came out again; I don't think he should be called insane, except on one subject.

Q. What other cases? A. My wife's mother was in a very woak, desponding state of mind for a number of years, but there was no insanity about it.

Q. Settled meiancholy? A. Yes, sir.

Q. For how long? A. Fifteen or twenty years.

Q. Any other cases? A. I had a sister who was an imbecile—paralysis and nervous derangement.

CARRIED A PISTOL.

Q. During the time that your son was sick as your house did you find that he had a pisto! A. I think some one told me he had one under the pillow; one morning I saw it on his table and spoke to him about it, and he said it was necessary for him tecarry it, as he was in danger.

Q. Danger from whom? A. He said to protect himself from Fisk's ruffians; I had known him tecarry it, as he was in danger.

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Q. Danger from whom? A. He said to protect himself from Fisk's ruffians; I had known him tecarry it, as he was in danger.

Q. Did not the settlement proposed by Fisk cause some difficulty between yoursel, your wife and Edwar

ALLOST FINERED.

ALMOST FINERED.

This was granted, and the Court inquired how much longer the defence expected to take.

Mr. Tremain replied about a couple of hours.

The Court then adjourned till half-past ten o'clock

THE STRIKES

Meetings of the Various Trades Unions Yester day-The Men Still in the Gap-Reports from New Jersey.

The strikes yesterday were marked by no stranger or newer feature than that monotonous feeling and long-continued indifference which hitherto bas apparently characterized them. With few exceptions, the members of the different unions are yielding to the pressure of either necessity and want or to the hardened firmness or their employers. Where funds are strong, however, there is no weak-ness nor inclination of this kind manifested; but an unswerving resolve, such as characterizes the marble workers, for the successful attainment of

ness nor inclination of this kind manifested; bet an unswerving resolve, such as characterizes the marble workers, for the successful attainment of their claims. The following will show the general feeling of the strikers and the slow progress they are making to their long looked for goal.

Cool, sober determination seem to be the chief characteristics of the members of the Marble Outters' Union. They hold sessions almost every day, and discuss in private the affairs of their organization. There is not the least intention on their part to bring the strike to an unsuccessful end. They positively affirm their determination to hold out even under the most pressing circumstances. Their funds are so strong as to be able to afford \$13\$ per week to each married member and half this sum to those who are unmarried. They use all their induence to induce men whom they know to be working outside the organization to join it immediately. Four of these were captured yesterday on Twenty-sixth street, about seven o'clock A. M., as they were going to commence work, and taken to the assembly hall of the organization.

The marble polishers have not yet given up their strike. Some have been allowed by the society to work under the old system in order to detect the motives and spirit of their employers. About three hundred members are still idle, supported by the finds of the organization, and resolve to withstand all temptations of compromise while a dollar remains to be given them.

The frainte stone cutters met at Putnam Hall last evening to discuss their relations with the men of Westerly, who are still on strike under the very best auspices. The Westerly strike has its connection with the organization of the amaigamated stone citters of this city only in as much as it interferes with the business of Mr. Batterson, the proprietor of the Westerly granite quarries. The Westerly men have purchased lately a quarry, under their own immediate control. None of the organization in New York city work at present in the employment of Mr. B

The Master Horseshoers.

This association held a meeting last evening at Milleman's Hall, in Seventh avenue. Mr. John Graham occupied the chair and Mr. Matthew Montgomery officiated as secretary. After the ordinary business of the meeting had been disposed of and several new members enrolled, the secretary drew attention to the fact that most of the parties in the

attention to the fact that most of the parties in the above-mentioned business whom he had visited had consented to the adoption of the higher rate of prices—vix., fifty cents per set of shoes.

Mr. Harrigan was sorry to see so small an attendance, and Mr. Murray, of Third avenue, thought everything was tiding on well. He ventured to remark that he thought the best course to pursue would be to appoint a certain day for every master horseshoer to close his shop and show the public that twenty shillings was not enough for a set of horse's shoes. Most of his business consisted in shoeing sale horses, and he did not see why fifty cents more should not be-allowed for that kind of work.

work.

Several other members of the organization ventilated their views, but space prevents further mention being made of them. The old prices were as follows:—For shoeing livery stable horses, \$2.50; draught horses, \$3, and private horses from \$3.50 to \$4. It was argued that hucksters, truckmen and the poorer class could not so well afford to pay for the shoeing of their horses as uptown gentlemen could for their last and showy steeds. It was proposed that each member of the organization should act as a committee to visit the shops in his neighborhood, but no definite conclusion, except that the association meet next Tuesday, was arrived at. The Boilermakers

held a semi-secret meeting last night, Mr. James Collins in the chair. The business transacted was confined to the enrolling of new members, and the forming of a constitution and bylaws. This body of men are not on strike, the only object being to thoroughly organize.

The German Employing Printers. The German master printers, Mr. Gustav Lautes presiding, held a meeting at Hubner's Hotel, in presiding, held a meeting at Hubner's Hotel, in the Bowery, yesterday afternoon. The conference committee appointed at a previous meeting to confer with the English speaking master printers on the subject of a reduction of the hours of labor and an increase in the rate of wages submitted a report, stating that at a meeting at the Astor House in reference to the matter on Monday it had been decided that on account of the present depressed condition of the trade neither a reduction of the hours of labor nor an increase of prices can be allowed. On motion of Mr. Gerdts a resolution was passed in substance the same as the Astor House decision. This action on the part of the German employing printers will upset the present arrangement with the German journeymen printers, who recently struck for a new scale of prices, prepared by the German Typographical Union, involving an increase of twenty per cent, when for the most part they succeeded in enforcing the same. They will be asked to content themselves with the scale as heretofore allowed to the English speaking Typographical Union, No. 6, and a resolution to that effect was passed. A resolution was also passed to acquaint the German Typographical Union with the action taken.

The Paterson Strike Virtually Ended. In the Paterson locomotive shops nearly two thousand men returned to work yesterday, leaving about one thousand still out. Of these a part are about one thousand still out. Of these a part are
the boiler makers, who are still on a strike for
twenty per cent advance, and the employers say they would not take them
back at any price. The boiler makers
met again yesterday morning and resolved to
stick to their original demands. The other men
which the locomotive shops are still short of have
mostly left town and obtained work cisewhere.

In the boiler shops only a few apprentices are at
work, but the employers think they can procure
men to fill those departments in a few days, and
the strike is believed to be virtually ended.